
Photo Red Light Enforcement Program (PRLEP)

515.1 PURPOSE AND SCOPE

This policy provides procedures for utilizing photo red light enforcement in the City of Hayward in accordance with and under authority of Sections § 21455.5 through 21455.7 of the California Vehicle Code (Division 11, Chapter 2, Article 3).

The Photo Red Light Enforcement Program (PRLEP) is designed to supplement conventional law enforcement by accurately identifying traffic violations on a 24-hour basis without depending on the presence of a police officer.

515.2 BACKGROUND

The Hayward Police Department Traffic Bureau Supervisor will oversee the daily operations and administrative functions of the Photo Red Light Enforcement Program (PRLEP).

The Hayward Police Department is under contract with Redflex Traffic Systems, Inc. to provide equipment and data processing of potential red light violations at intersections designated by the Hayward Police Department. Redflex will send data to Hayward Police Department via a secure web sever utilizing their proprietary SmartOps software.

The program is managed wholly by the Hayward Police Department. The Hayward Police Department shall be the only entity with authority to issue citations from the PRLEP.

515.3 INFORMATION DISSEMINATION

Field Training Officers will be responsible for educating full time and reserve trainees of Photo Red Light Enforced Approaches. An approach is a single direction of travel with up to four contiguous lanes. The Traffic Bureau Supervisor will inform all Department personnel of current installations as well as future installations as they are added via the Department e-mail system.

515.4 INFORMATION REQUESTS

All requests for information regarding the PRLEP program from both the public and news media will be referred to the Traffic Bureau Supervisor.

515.5 CONFIDENTIALITY

Photographic records made by the system shall be confidential, and shall be made available only to governmental agencies and law enforcement agencies and only for law enforcement use.

- (a) Data from the SmartOps system will only be reviewed by the Traffic Supervisor or his/her designated persons that have been trained by Redflex as reviewers.
- (b) All persons authorized to review data for citation issuance or dismissal will be assigned a login to the SmartOps system and shall not share their user name and password with anyone.
- (c) Except for court records described in Section § 68152 of the Government Code, the confidential records and information may be retained for up to six months from the date the information was first obtained, or until final disposition of the citation, whichever

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- date is later, after which time the information shall be destroyed in a manner that will preserve the confidentiality of any person included in the record or information.
- (d) Unless an appeal is pending, all citations that do not go to trial are destroyed by Redflex six months after final disposition.
 - (e) Photographs used outside of the Hayward Police Department for evidence purposes for violations of Sections § 21453(a) VC and 21453(c) of the California Vehicle Code shall have the faces of all passengers blocked out so as they are not recognizable in the photographs.

515.6 PRLEP LOCATION SELECTION

Notwithstanding the statutory requirements of the enabling legislation, the decision to place an automated enforcement system at a particular intersection is the sole discretion of the Hayward Police Department.

In evaluating an intersection for installation of an automated photo enforcement system, the following factors may be considered:

- (a) The intersection design lends itself to installation of a camera system.
- (b) The overall width of the roadway permits curbside or center-island mounting of the camera equipment.
- (c) Adequate city owned curbside property at the intersection is available to locate camera equipment and a control cabinet (if needed).
- (d) The ability of police officers to safely and effectively conduct enforcement through traditional means.
- (e) The police department has determined that the number of potential violators appears sufficient to warrant the endeavor.
- (f) The yellow timing phase is consistent with the requirements of California Vehicle Code Section § 21455.7.
- (g) Citizen complaints of red-light running.
- (h) Pedestrian and traffic flow.
- (i) State traffic collision statistics.
- (j) Proximity to school zones and senior housing.

515.7 PRLEP IMPLEMENTATION PROCESS

- (a) Intersections equipped with red light photo enforcement cameras will be properly posted as defined in the California Vehicle Code Section § 21455.5(a)(1).
- (b) A 30 day "warning period" shall commence with the activation of all new systems; during which the violator will receive a warning letter rather than a citation.
- (c) Each new intersection chosen for inclusion shall cause a press release to be issued by the Traffic Bureau Supervisor assigned management of the PRLEP. This press release shall include the following;
 - 1. Name of the intersection.
 - 2. The date the intersection will begin photo enforcement operation.
 - 3. The 30 day warning period and the date the enforcement period becomes effective. (date when citations are to be issued)

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- (d) Responsibility of monitoring the Red Light Photo Enforcement Program and conducting the day to day review of violations shall rest on the primary employee assigned as the Red Light Photo Enforcement Officer.

515.8 PROGRAM RESPONSIBILITIES

No provision of the PRLEP program or this order is intended to prohibit an officer from using discretion to issue or take any other enforcement action, when appropriate.

Traffic Bureau Sergeant

The Traffic Bureau Sergeant shall:

- (a) Shall supervise the PRLEP program.
- (b) Shall assign Traffic Bureau personnel as PRLEP assessors.
- (c) Shall ensure PRLEP assessors are properly trained in order to conduct day-to-day monitoring of the program.
- (d) Review PRLEP electronic data received from the PRLEP assessor involving on-duty personnel.
- (e) Forward electronic data to the employee's immediate supervisor and direct an inquiry to be initiated.
- (f) Supervise Traffic Bureau personnel assigned to PRLEP program.
- (g) Ensure personnel selected to review and process violations have been properly trained.
- (h) Ensure the vendor has been provided with a current copy of the Departmental directives and manuals.
- (i) Ensure the PRLEP log is maintained and retained in accordance with current statute.
- (j) In the event the Red Light Photo Enforcement Officer is temporarily unable to process violations, the Traffic Bureau Sergeant shall be responsible for selecting an alternate Traffic Officer to review violations using the same criteria mentioned above.
 - 1. Officers selected to review and process violations shall have attended the training provided by the vendor selected to maintain the program prior to reviewing violations for prosecution.
- (k) Ensure an inspection of the PRLEP vendor's records and facilities is conducted. The inspection shall include ensuring the following:
 - 1. Vendor's address of record is correct.
 - 2. Files are maintained in a secure manner.
 - 3. Files are being archived in accordance with the provisions of this order.

PRLEP ASSESSOR

The PRLEP assessor shall:

- (a) Be responsible for reviewing electronic file evidence submitted by the vendor and determine whether there is a preponderance of the evidence that a traffic violation occurred.
 - 1. Approve the violation if there is a preponderance of evidence that a traffic violation occurred.

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2. Disapprove the violation if there is a preponderance of evidence that a traffic violation did not occur.
 3. PRLEP activation by on-duty personnel driving a Department, City, or an outside agency emergency vehicle shall be processed in accordance with the provisions of this policy.
- (b) Notify the vendor and advise whether the incident was approved or disapproved.
- (c) Be responsible for maintaining records involving day-to-day operation of the program. Records shall include:
1. Obtain signal light maintenance documents from the appropriate City Agency/Department to ensure that the amber lighting sequences meet Department of Transportation (DOT) standards.
 2. Monthly stopwatch audits confirming the amber light timing. Any discrepancies shall be documented and reported to the appropriate City Agency/Department.
 3. Prepare and forward the following monthly reports to the Traffic Bureau Supervisor:
 - (a) Number of electronic files reviewed.
 - (b) Number of violations approved.
 - (c) Number of violations disapproved.
 - (d) Number of Department, City, and outside agency violations.
 - (e) Vehicle violations approved/disapproved.
 - (f) Maintenance and repair if required.

515.9 CITATION REVIEW

Data will be reviewed by the Hayward Police Department on a daily basis excluding weekends and holidays. Data shall be reviewed only by those persons authorized by the Traffic Bureau Supervisor and then only after having completed the necessary training to do so.

In the event that data is captured showing a valid violation of Section § 21453(a) VC or 21453(c) California Vehicle Code, the reviewing person shall begin the citation process by means of accepting the violation via the SmartOps software.

515.10 CITATION ISSUANCE CRITERIA

On PRLEP enforced intersections, the following photographic evidence must exist for a red light violation citation to be considered:

- (a) Does the incident contain all (4) required photographs?
- (b) Are the traffic signals in the Scene A & Scene B (pre & post violation)?
- (c) Photographs in their red phase?
- (d) Does Scene A (pre-violation) photo clearly show the vehicle placement before the limit line or crosswalk?
- (e) Does Scene B (post-violation) photo clearly show the vehicle entered the intersection?
- (f) Is the driver's photo clear enough to identify the driver, either in person or with a soundex photo from DMV?
- (g) Is the license plate photo clear?
- (h) Is the data bar information complete?

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- (i) Does the video (if it exists) corroborate the photographic evidence?
- (j) Is the Registered owner information (name, address) for the driver/vehicle complete? If not, complete the information by conducting a DMV search.

After evaluating an incident, the authorized police employee may accept the incident and issue a citation or reject it for any deficiencies listed in items A through I or any other mitigating circumstances. The decision to accept or reject an incident is at the discretion of the viewing employee.

When the reviewing employee accepts a violation a notice to appear is generated and mailed by our vendor, Redflex Traffic Systems, Inc. Upon notification of a court trial, a court package is generated by Redflex. Upon receipt of the court package from Redflex, the evidence is presented and the violator prosecuted in court. Upon completion of a court trial, the court package is retained and filed in a secure location at the Hayward Police Department for up to a maximum of (6) months. Unless an appeal is pending, the court package is destroyed by a designated Hayward Police Department employee in a manner that protects the confidentiality of the person included in the record. All citations that do not go to trial are destroyed by Redflex (6) months after final disposition.

In the event that all criteria are met, the reviewer may utilize the SmartOps software to issue the citation to the registered owner of the vehicle.

It will be discouraged by the Department to have officers make enforcement stops and issue red light violation citations at approaches monitored by photo red light enforcement due to the complexity of tracking down data to ensure a second citation is not issued. It is understood that circumstances will exist when an officer will need to make an enforcement stop and subsequently issue a citation when other charges are discovered on the stop. A few examples are as follows:

- (a) Suspected DUI driver.
- (b) A driver known to an officer as having a suspended/revoked license.
- (c) A person wanted on a warrant.

515.11 ON-VIEW VIOLATIONS

If an officer on patrol witnesses a violation of Section § 21453(a) VC or 21453(c) of the California Vehicle Code at a photo red light enforced intersection approach, the officer may initiate a traffic stop to inform the driver of the violation. If no citation is issued, the officer will complete a field interview form and forward it to the Traffic Bureau within 24 hours. In these cases, the incident will be reviewed and if appropriate, a citation will be issued via PRLEP. Officers are reminded that no provision of the PLREP program or this order is intended to prohibit an officer from using discretion to issue a citation or take any other enforcement action, when appropriate.

- (a) Officers are discouraged from issuing a citation for Section § 21453(a) VC or 21453(c) CVC violation if the driver is:
 - 1. The verified registered owner. The driver shall be advised that a citation will be issued through the PRLEP process.
- (b) The officer's responsibility if the registered owner is the driver:
 - 1. Verify all driver information on the drivers license.
 - 2. Forward any discrepancies to the traffic Bureau within 24 hours via email ().

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- (c) Not the registered owner, the officer shall:
 - 1. Verify the driver information on the driver's license.
 - 2. Forward the information and/or any discrepancies to the PRLEP assessor within 24-hours via email ().
 - 3. Advise the driver that a citation will be issued through the PRLEP process.
- (d) Should the traffic stop lead into another violation of law, the officer may issue a citation for Section § 21453(a) VC or 21453(c) VC as probable cause for the stop. A copy of the citation must be forwarded to the Traffic Bureau within 24-hours to ensure that the photo red light enforcement program does not issue a second citation.
- (e) If the driver is not in possession of a valid driver's license, the officer shall take appropriate enforcement action.

515.12 ELECTRONIC DATA EVIDENCE

When the PRLEP electronic data is to be used as evidence, officers shall:

- (a) Contact and make arrangements with the PRLEP assessor to obtain a copy of the electronic data (within a 7-day time frame).
- (b) Document the electronic data as evidence in the appropriate report.
- (c) Submit the evidence in accordance with Departmental directives.

515.13 PRLEP ACTIVATION BY ON-DUTY PERSONNEL

In the event of a PRLEP activation by on-duty personnel driving a Department or City vehicle, or an outside agency emergency vehicle, the following procedures shall be initiated:

Department Vehicles

When an incident captured for review involves any department vehicle, the PRLEP assessor shall review the data and;

- (a) Disapprove the violation and notify the vendor.
- (b) Download and save the electronic data to an appropriate media to preserve the electronic evidence until the conclusion of the review/inquiry/investigative process.
- (c) Forward the electronic data to the Traffic Sergeant for review and disposition.

On duty police personnel with this Department, while acting within their official capacity, who knowingly activate any Red Light Photo Enforcement system shall as soon as practical, notify their supervisor of the incident.

The Supervisor, upon being notified of the system activation by on-duty personnel, shall notify the Red Light Photo Enforcement Officer and the Traffic Sergeant, via electronic mail, of the following information:

- (a) Date, time and location of the incident; and
- (b) Circumstances surrounding the necessity for the officer/employee to enter against the red light.

Upon notification of a violation, the Traffic Bureau Sergeant shall review the electronic data and provide a disposition as appropriate. The disposition shall be reviewed by the designated District Commander for final approval.

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City Vehicles

In the event an incident is captured for review involving any other city vehicle, the PRLEP assessor shall forward the information to the Traffic Sergeant. The Traffic Sergeant shall review the incident and using the same criteria as outlined above in Policy Manual § 515.10, determine if it is appropriate to issue a citation. If a citation is issued, the Traffic Sergeant shall notify the designated District Commander so the city employee's manager can be notified of the issuance of the ticket.

Outside Agency Vehicles

The Traffic Sergeant shall review all violations involving outside agency on-duty emergency vehicles. Should it appear a violation occurred, the Traffic Sergeant shall forward the package to the outside agency's appropriate staff person for review and action as they deem appropriate.

Off-Duty Personnel

Violations by off-duty City of Hayward employees and other agencies off-duty personnel shall be forwarded to the Traffic Sergeant and reviewed using the same criteria set forth in the PRLEP business rules, and Policy Manual Section § 515.10. The PRLEP business rules are maintained by the designated District Commander.

515.14 DAMAGE TO RED LIGHT CAMERA SYSTEMS

Damage to any Red Light Photo Enforcement equipment resulting from a vehicle collision which might affect the operability of the system shall be documented on a CHP #555 form. Additionally, the incident shall be reported to PRLEP assessor and Traffic Bureau Sergeant as soon as possible via email and voicemail if not reported directly.

Vandalism to any Red Light Photo Enforcement equipment which might affect the operability of the system shall be immediately documented in an Incident Report and immediately reported to the PRLEP assessor and Traffic Bureau Sergeant as soon as possible via email and voicemail if not reported directly.

The Traffic Bureau Sergeant shall notify the vendor of the damage to the PRLEP equipment, as soon as possible. The vendor is responsible for performing repairs. A log of the date of damage and notification shall be kept to measure the vendor's response time and substantiate cost refunds.